REMARKS

THE CLAIM AMENDMENTS

Claim 1 has been amended to recite that the dosage form exceeds about 1 cm in diameter in a swollen state, and the dosage form swells sufficiently fast to allow retention of the dosage form in the stomach before significant erosion occurs. Support for the size of the swollen form is found in Example 2, table 3, page 46 of the specification. Disclosure supporting that the dosage form swells sufficiently fast is found in the specification on page 17, lines 21 and 22.

In claim 23, "ciprofloxacin hydrochloride" has been replaced with --ciprofloxacin-- and in claim 34, "ciprofloxacin hydrochloride" has been put back into the claim. As set forth at page 32, line 5 of the specification, "ciprofloxacin" is sparingly soluble as recited in claim 23 and "ciprofloxacin hydrochloride" is soluble (specification page 34, line 1), but rendered insoluble by the vesicle as recited in claim 34.

In addition to the foregoing, claim 55 has been amended to correct the formality of the multiple dependency recitation.

No new matter has been added to the application with the claim amendments made herein.

102(b) ANTICIPATION REJECTION - SHELL 1 AND SHELL 2

Claims 1-9, 12-16, 18-23, 26-34, 36-40 and 45-55 are rejected under 35 USC § 102(b) as being anticipated by Shell et al. (US 5,972,389; "Shell 1"). Claims 1-7, 10, 12, 17-23, and 45-49 are also rejected under 35 USC § 102(b) as being anticipated by Shell et al. (US 5,007,790; "Shell 2").

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565, 24 USPQ2d 1321, 1326 (Fed. Cir. 1992).

In view of the amendment to claim 1, the claims are no longer anticipated by Shell 1. Claim 1 from which all the claims depend now recites that the dosage form exceeds about 1 cm in diameter in a swollen state, and the dosage form swells sufficiently fast to allow retention of the dosage form in the stomach before significant erosion of the dosage form occurs. Shell 1 does not disclose a dosage form having a size exceeding about 1 cm after swelling, and does not disclose a dosage form that swells sufficiently fast to allow retention of the dosage form in the stomach before significant erosion.

Likewise, Shell 2 does not disclose a swollen dosage form exceeding about 1 cm. Further Shell 2 does not disclose that the dosage form swells sufficiently fast to allow retention of the dosage form in the stomach before significant erosion of the dosage form occurs, and applicant's invention is not anticipated by Shell 2.

Accordingly, applicants respectfully request withdrawal of the anticipation rejections under the references Shell 1 and Shell 2.

102(b) ANTICIPATION REJECTION - UEMURA

Claims 1-7, 10; 17-22, and 39 are rejected under 35 USC § 102(b) as being anticipated by Uemura et al. (US 4,695,467).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565, 24 USPQ2d 1321, 1326 (Fed. Cir. 1992).

As currently amended, claim 1 does not read on Uemura et al. Uemura et al. does not disclose a dosage form that exceeds about 1 cm in diameter in a swollen state, and a dosage form that swells sufficiently fast to allow retention of the dosage form in the stomach before significant erosion of the dosage form occurs. Accordingly, the claims of the present invention as amended do not read on Uemura et al. and applicants respectfully request Examiner to withdraw her rejection.

102(e) ANTICIPATION REJECTION - PATEL

Claims 1, 6, 11, 23-25, 34, and 35 are rejected under 35 USC § 102(e) as anticipated by Patel et al. (US 6,248,363), or in the alternative under 35 USC § 103(a) as obvious. These rejections are respectfully traversed.

Examiner contends that Patel et al. teaches a tablet having a xanthan gum base. As xanthan gum is a biocompatible hydrophilic polymer, Examiner contends that Patel anticipates applicants' claims. Patel et al. does not teach or suggest that the dosage form disclosed herein exceeds about 1 cm in diameter in the swollen state, and that the dosage form swells sufficiently fast to allow retention of the dosage form in the stomach before significant erosion of the dosage form occurs. Because Patel et al. does not teach or suggest the claimed invention, it follows that Patel et al. does not anticipate or render the claimed invention obvious in light of the foregoing. As amended the claims of the present invention are not anticipated or obvious by Patel et al.

CONCLUSION

With this paper, each of the Examiner's rejections have been fully addressed and overcome. Because there will be no outstanding issues for this matter upon entry of this paper, applicants respectfully request withdrawal of all claim rejections and passage of this application to issue.

Any questions regarding this paper or the application in general may be addressed to the undersigned attorney at 650-251-7707 or firestone@reedpatent.com.

Respectfully submitted,

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